

OLF 17 (Official Local Form 17 Cover Sheet)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Andrew Greenhut,

Case No. 19-10782

Debtor(s)

Chapter 13

APPLICATION BY ATTORNEY FOR THE DEBTOR(S) FOR COMPENSATION
UNDER 11 U.S.C. § 330(a) AND MLBR APPENDIX 1, RULE 13-7(f)(1)

[COVER SHEET]

Filing Date: March 12, 2019

Case No.: 19-10782

Confirmation Date: _____

Debtor: Andrew Greenhut

Joint Debtor: _____

Address: 21 Kingston Street
Somerville MA 02144

Address: _____

Special Counsel for Debtor(s): Charles "Chad" Baruch

BBO# N/A

Address: 12377 Merit Drive, Suite 880, Dallas, TX 75251

Telephone: (214) 741-6260

Facsimile (fax): (214)741-6248

The Application for Compensation submitted for approval by: Special Counsel

(Attorney for the Debtor(s); Special Counsel to the Debtor(s)).

Prior Application(s) filed (Y/N): N
If yes, provide date of Order approving: _____

If yes, provide total amount approved:

\$ _____

Payments to date:

\$ _____

Dates for which compensation is sought (ex. 1/1/2019-6/1/2019):

10/28/2019- 11/23/2019

Fees sought in the sum of:

\$ 9,989.71

Expenses sought in the sum of:

\$ 10.20

Total Fees and Expenses:

\$ 10,000.00

Pursuant to Rule 13-7, objections to the Application for Compensation must be filed within twenty-one (21) days of service unless the Court orders otherwise.

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Andrew Greenhut

Case No. 19-10782

Chapter 13

Debtor(s)

**APPLICATION BY ATTORNEY FOR THE DEBTOR(S) FOR COMPENSATION
UNDER 11 U.S.C. § 330(a) AND MLBR APPENDIX 1, RULE 13-7(f)(1)**

Now comes Charles "Chad" Baruch as attorney for the debtor(s) (each and together the "Applicant"), and pursuant to 11 U.S.C. § 330(a), Fed. R. Bankr. P. 2016, and MLBR Appendix 1, Rule 13-7(f)(1) respectfully submits the within Application for Compensation seeking approval of compensation in the sum of \$10,000.00. In support of the application, the Applicant submits the following:

1. On 03/12/2019, the debtor(s) commenced a chapter 13 proceeding in the United States Bankruptcy Court for the District of Massachusetts.
2. The Applicant attaches hereto as Exhibit 1, in conformance with the provisions of MLBR 2016-1 and MLBR Appendix 1, Rule 13-7, a contemporaneous time record and expense report describing the specific services performed each day by each person.
3. The Applicant has rendered the services described in Exhibit 1 and has actually expended time without compensation except as disclosed in the form entitled "Disclosure of Compensation of Attorney for Debtor" pursuant to 11 U.S.C. § 329(a) and Fed. R. Bankr. P. 2016(b) filed with the Bankruptcy Court or in accordance with the provisions of a confirmed chapter 13 Plan.
4. The Applicant requests that compensation be allowed in the sum of \$9,989.71 for services to date and in the sum of \$10.29 for expenses to date, for a total of \$10,000.00. Payment shall consist of (i) the funds received as a retainer in the amount of \$ 10,000.00.
5. The Applicant attaches as Exhibit 2 a brief narrative description of services in support of the compensation requested.

Wherefore, the Applicant prays that this Honorable Court enter an Order allowing the fees and expenses as requested herein in the sum of \$10,000.00 ____ and for such further relief as is appropriate.

Dated: Respectfully Submitted,

/s/ Charles "Chad" Baruch

Printed Name Charles "Chad" Baruch
Address 12377 Merit Drive, Suite 880
TX Bar No. 01864300
Telephone (214) 741-6260
Email chad@jtlaw.com



EXHIBIT 1
Detailed Record of Time Spent
(Invoice)

Andrew Greenhut
21 Kingston St.
Somerville MA 02144

Our file No. 9087-101N
STATEMENT NO: 7177

Bill of Review Appeals

			Hours
10/28/2019	CEB	Review Petitioner's Brief on the Merits; review record portions; drafting work on Statement of Facts	2.60
	CEB	Legal research and drafting work on Respondent's Brief on the Merits	6.50
10/30/2019	CEB	Continued legal research and drafting work on Respondent's Brief on the Merits	10.20
10/31/2019	CEB	Continued legal research and drafting work on Respondent's Brief on the Merits	8.00
11/23/2019	CEB	Draft chronology of Texas actions For current services rendered	0.40 27.70 12,465.00

RECAPITULATION

<u>Initials</u>	<u>Hours</u>	<u>Hourly rate</u>	<u>Total</u>
CHAD BARUCH	27.70	\$450.00	\$12,465.00

Filing Fee advance	10.29
TOTAL ADVANCES	10.29

Balance Due	<u>\$12,475.29</u>
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	Billing History					<u>Payments</u>
	<u>Fees</u>	<u>Hours</u>	<u>EXPENSES</u>	<u>ADVANCES</u>	<u>0.00</u>	
Write Off	72,039.50 990.00	161.80	516.75 0.00	4,167.17 0.00		63,258.13

Your Trust Account balance is

OPENING BALANCE	\$20,000.00
CLOSING BALANCE	\$20,000.00

'Andrew Greenhut
Bill of Review Appeals

To insure proper payment credit, please record your
Johnston Tobey Baruch Client Number(s) on your check or
return a copy of this bill with your payment check.

Thank you very much

Visit www.johnstontobey.com to pay by credit card.

Andrew Greenhut
21 Kingston St.
Somerville MA 02144

Bill of Review Appeals

	Previous Balance before Adjustments	\$12,475.29
12/27/2019	Fee write off per CEB	-2,475.29
	Previous balance	\$10,000.00
	Balance Due	<u>\$10,000.00</u>

Billing History					
	Fees	Hours	EXPENSES	ADVANCES	Payments
Write Off	72,039.50	161.80	516.75	4,167.17	0.00
	3,465.29		0.00	0.00	63,258.13
					0.00

Your Trust Account balance is

OPENING BALANCE	\$20,000.00
CLOSING BALANCE	\$20,000.00

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Andrew Greenhut
Bill of Review Appeals

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EXHIBIT 2

Narrative Description of Services

This fee application seeks approval of fees related to responding to a petition for discretionary review filed in the Supreme Court of Texas. Discretionary review in the Supreme Court of Texas works in most respects like discretionary review in the United States Supreme Court, with one exception. In Texas, the Supreme Court sometimes seeks full briefing on the merits of a case before deciding whether to grant review. That is what happened here.

Well before the filing of this bankruptcy proceeding, Andrew Greenhut filed a bill-of-review action in a Texas state trial court collaterally attacking a final judgment terminating his parental rights. Andrew lost that bill of review proceeding in the trial court. He then filed an appeal with the Dallas Court of Appeals, where he prevailed. The appellate court rendered judgment in Andrew's favor vacating the termination order.

Andrew's ex-wife, Gita Srivastava, then exercised her right to seek discretionary review by the Supreme Court of Texas. In seeking review, Gitq has assembled a formidable team of exceptionally well-known and very expensive lawyers. Her counsel team in the Supreme Court of Texas consists of former Chief Justice of Texas Wallace Jefferson, former Associate Justice Deborah Hankinson, former Associate Justice Harriett O'Neill, and well-know family law specialist Ike Vanden Eykel.

After the time Andrew filed this bankruptcy proceeding, the Supreme Court of Texas requested full briefing on the merits.

During the last few days of October, I spent approximately 30 hours over a period of 3 days researching and preparing Andrew's brief on the merits for the Supreme Court of Texas. That is the work for which I seek payment in this application. I have written off fees of \$2,475.29 to stay within the \$10,000.00 limitation.

EXHIBIT 3

**Order Approving Employment of Special Counsel
and Signed Engagement Letter**

In Re: Andrew Greenhut

Case/AP Number 19-10782 -FJB
Chapter 13

#28 Amended Application of Debtor to Employ Charles 'Chad' Baruch as Special Counsel
(Richard Gottlieb)
#37 Response of Gita Srivastava (Alex Mattera)

COURT ACTION:

Hearing held
 Granted Approved Moot
 Denied Denied without prejudice Withdrawn in open court
 Overruled Sustained
 Continued to _____
 Proposed order to be submitted by _____
 Stipulation to be submitted by _____
 No appearance by _____
Show Cause Order Released Enforced

DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

Hearing held on July 27, 2019. For the reasons stated on the record, the Debtor's Application to Employ Charles "Chad" Baruch as Special Counsel is hereby granted. Special counsel's fees, of course, remain subject to the Court's later determination as to whether the fees should be authorized and paid. Ms. Srivastava's right to object to those fees is not waived by the allowance of this motion.

IT IS SO ORDERED:

Dated: 07/02/2019

Frank J. Bailey
United States Bankruptcy Judge



3308 Oak Grove Ave
Dallas, Texas 75204
214.741.6260

September 1, 2017

Andrew Greenhut
20 Brattle Street, Apt. #2
Arlington MA 02476
Via Email: andrew.greenhut@gmail.com

Re: *In the Matter of the Marriage of Gita Srivastava and Andrew Greenhut*
No. 470-05429-2016 and No. 470-01775-2016

Dear Andrew Greenhut:

This will confirm that you have retained this Firm to represent you as lead counsel on appeal in two appeals (which may be consolidated). The first is the appeal from the order denying your bill of review in No. 470-01775-2016, and the second is the appeal from the order denying your bill of review in No. 470-05429-2016.

Our representation is limited to this matter and any additional representation on other or unrelated matters will require an additional agreement. Specifically, we are not obligated to perform any work in the trial court other than filing the notice of appeal and record requests, nor are we obligated to file any petition for review in the Supreme Court of Texas. Those representations would require a separate engagement agreement. This letter will summarize the terms upon which the Firm has accepted this representation.

You are responsible for the payment of our fees and expenses. Fees will be based on time expended by those working on this matter at their usual hourly rates; attached to this letter as Appendix A is an explanation of the usual procedures for hourly charges by the firm.

You will pay a total retainer of \$20,000, to be paid as follows:

\$10,000 upon the execution of this agreement

\$5,000 no later than October 15, 2017

\$5,000 no later than December 1, 2017

Under our standard procedure, you will be billed in .25 (1/4) hour increments for services performed. These hourly charges will be credited against the retainer, and you will not owe any additional fee to the Firm until such time as the hourly charges exceed the amount of the retainer.

All charges are on an hourly basis. We will bill against the retainer until it is exhausted. The retainer amounts are not a guarantee or cap as to the amount of the hourly charges for the appeal.

Andrew Greenhut
September 1, 2017
Page 2

You also are responsible for payment or reimbursement of expenses incurred on your behalf in this representation. These include, but are not limited to, court costs, and the costs of the clerk's record and reporter's record. It is our usual practice to send to clients, for direct payment all invoices from third parties. You are required to pay such invoices promptly upon receipt. The Firm may from time to time, but will not be required to, advance expenses on your behalf, after which it will be your obligation to reimburse the Firm. With regard to the clerk's record and reporter's record, you agree to pay these as they are invoiced by the clerk and court reporter.

During the course of discussions about this matter, we may have provided estimates of the fees and expenses that will be required at certain stages of this representation. It is our policy to advise clients that such estimates are just that, and that future fees and expenses are ultimately a function of many conditions over which we may have little or no control, such as the extent to which the opposition files pretrial motions and engages in discovery. One reason we submit bills on a monthly basis shortly after the services are rendered is so you will promptly know what level of fees and expenses you are incurring. If you believe the costs are mounting too rapidly, please contact us immediately so we can assist you in evaluating whether and how they might be curtailed in the future. When we do not hear from you, we will assume that you approve of the overall level of activity in this case on your behalf.

This will confirm your promise to notify us immediately if at any time in the future you perceive a conflict between you and any other party represented by this firm. If such a situation does develop, you agree not to disclose to us any confidential information that would create a conflict of interest for us with regard to our other clients.

While we do not anticipate the need, we must reserve the right to withdraw from this representation if: (i) a determination is made that a conflict of interest has arisen as a result of representation of you; (ii) you insist that the Firm engage in conduct contrary to the best judgment or advice of the firm; or (iii) you fail to meet your obligations under this Agreement.

We are honored to represent you in this matter, and appreciate the confidence you have shown in our Firm. Of course, you understand that no promises or guarantees as to the outcome of the case could be or have been made.

This agreement shall be construed in accordance with the laws of the State of Texas and all obligations of the parties are performable in Dallas County, Texas. The agreement shall be binding upon, and inure to the benefit of, the parties and their respective heirs, executors, administrators, legal representatives, successors and assigns.

In case any one or more of the provisions contained in this agreement shall be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision, and this agreement shall be construed as if such invalid, illegal or unenforceable provision does not exist.

This agreement constitutes the only agreement of the parties and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter.

Andrew Greenhut
September 1, 2017
Page 3

If this letter accurately reflects our agreement concerning our Firm's representation of you in this matter, please sign in the place indicated below on the enclosed copy of this letter and return it to our offices. This agreement may be executed in multiple counterparts. By signing this letter, you authorize our Firm to obtain any records relevant to our representation of you in this matter and you represent that you have disclosed and will disclose all relevant information to aid us in this representation.

Please do not hesitate to call me if you have questions about any of the above. We appreciate the opportunity to represent you.

Very truly yours,

Chad Baruch

AGREED AND APPROVED:

ANDREW GREENHUT

Andrew Greenhut Tel: 617-956-2367
Date: 9/1/2017 Name: 20 Brattle St. Apt 2
Arlington, MA 02476

Appendix A
Cases handled on an hourly fee basis

Pursuant to our standard procedure, you will be billed in .25 (1/4) hour increments for services performed. Attorneys work on numerous files during the course of a day and some lack of precision is inherent in billing for time spent on behalf of a client. As a result, your bills will never be an exact calculation of the time spent on your case, but the time charged to your file will always represent a good faith estimate of the actual time spent on your behalf.

The current applicable hourly rates are set out in this appendix. These rates are evaluated and adjusted on an annual basis. We reserve the right, upon thirty (30) days advance notice to you, to adjust these hourly rates. Rates will never be adjusted on your case alone, however. Any adjustment will be the result of a change made firm-wide.

It is not uncommon for more than one lawyer to be working on the same project. This may be because the responsibilities for portions of your case have been divided up among the lawyers in the firm or because lawyers with lower hourly rates have been handling documents and other discovery matters to save you money. This will, however, occasionally result in requiring two lawyers to attend certain hearings, meeting, or depositions. We believe that this

Andrew Greenhut
September 1, 2017
Page 4

ultimately saves you money, as you do not have to pay the higher rates of a more senior lawyer to handle everything on the case. If you object to this, we may not be the firm for you, because this is the way we staff your case.

It is also common for the lawyers in the firm to visit about your case in brainstorming or planning sessions. These discussions are essential to the proper staffing and preparation of your case and are some of the most productive hours spent on your behalf usually. As a result you will be billed for such in-office conferences where your case is discussed among the lawyers.

The Firm bills on a monthly basis and we will provide you with a statement setting forth, in reasonable detail all advances for expenses, and a reasonable description of services rendered by the Firm on your behalf. It has been our experience that extreme detail in fee statements is often not to the client's advantage, as fee statements may end up in the hands of the adversary during litigation. We are of course available at any time to discuss your statements in any detail you wish.

One reason we submit bills on a monthly basis shortly after the services are rendered is so you will promptly know what level of fees and expenses you are incurring. If you believe the costs are mounting too rapidly, please contact us immediately so we can assist you in evaluating whether and how they might be curtailed in the future. When we do not hear from you, we will assume that you approve of the overall level of activity in this case on your behalf.

The Firm requires payment within fifteen (15) days from receipt of your invoice. Accounts become past due 30 days after they were billed. If this is inconvenient at any time, please let us know promptly in advance. Otherwise, we will assume that you can and will comply with these payment obligations.

Applicable Hourly Rates of the Firm's Professionals:

Coyt Randal Johnston	\$450.00 per hour
Robert L. Tobey	\$450.00 per hour
Charles Baruch	\$450.00 per hour
Karen Fitzgerald	\$350.00 per hour
Coyt Johnston, Jr.	\$350.00 per hour
Legal Assistants	\$115.00 per hour
Law Clerks	\$35.00 per hour

Thank you for the honor of representing you on your important legal matters.

EXHIBIT 4

Attorney Biography and C.V.

CHAD BARUCH
JOHNSTON TOBEY BARUCH PC

In 2015, Chad Baruch wrote one of the most acclaimed legal briefs in American history while representing what the *New York Times* called “a glittering array of hip hop stars.” The “Hip Hop Brief” received national media coverage, including articles in the *New Yorker*, *Billboard*, *Rolling Stone*, and newspapers across the country. One newspaper called it “the greatest amicus brief in Supreme Court history.”

But that’s hardly Chad’s only high-profile appellate work. He also was involved in the case related to the hit movie *Bernie*—a representation that led to him being quoted in newspapers as far away as London, England. He successfully represented the Office of the Dallas County District Attorney in the appeal of contempt conviction against the elected DA, and then served as Special Prosecutor in the appeal of a criminal case involving fraud charges against a high-profile criminal defendant. And while representing the Dallas County Democratic Party, he recently obtained dismissal of a lawsuit filed by the GOP seeking to knock more than 120 candidates off the ballot.

Chad also handles a variety of family law appeals and civil appeals. He has served as lead counsel in civil or family appeals in the Supreme Court of Texas, the Texas appellate courts for Austin, Eastland, Texarkana, Tyler, Dallas, Houston, El Paso, Fort Worth, Waco, and Amarillo, and the United States Courts of Appeals for the Third, Fifth, Seventh, and Eighth Circuits. He has argued several cases before the Supreme Court of Texas, and is board certified in civil appellate law by the Texas Board of Legal Specialization.

Chad is an award-winning speaker on appellate advocacy and legal writing. Chad won the 2015 Gene Cavin Award, presented annually to one Texas attorney for lifetime contributions to continuing legal education. He also won the 2016 Dan Rugeley Price Memorial Award, presented annually to a Texas attorney who exemplifies service to the profession and excellence in legal writing. And he won the 2018 Patrick Wiseman Memorial Award, presented annually to an attorney who has made superior career contributions to the defense of constitutional rights and civil liberties in Texas. Chad has spoken on legal writing at the Texas College for Judicial Studies, the National Summit of Appellate Judges Education Institute, the Annual Conference of Texas Appellate Staff Attorneys, and a host of legal seminars in several states.

Chad also is a leader in the profession, having served on the State Bar Board of Directors, the Executive Committee of the State Bar, and as Chair of the Texas Bar College. In 2017, he was one of two nominated candidates for President-Elect of the State Bar of Texas. Chad has served as men’s basketball coach at the University of Dallas and Paul Quinn College.

CHAD BARUCH
Johnston Tobey Baruch, P.C.
12377 Merit Drive, Suite 880
Dallas, Texas 75251
chad@jtlaw.com

*Board Certified in Civil Appellate Law
(Texas Board of Legal Specialization)*

Education

J.D., University of Minnesota Law School
Royal Stone Scholar

B.A., University of Minnesota (Political Science)
Recipient, 1988 Sumner Sullivan Young Award for Excellence in Collegiate Debate

Harvard University, Graduate School of Education, Principals Institute

Professional Awards & Recognitions

2019 Texas Bar College Jim Bowmer Professionalism Award
2017 State Bar of Texas Patrick Wiseman Award
(for lifetime contributions to defense of constitutional rights in Texas)
2016 Texas Bar Foundation Dan Rugeley Price Memorial Award
(for contributions to the profession and excellence in legal writing)
2015 State Bar of Texas Gene Cavin Award
(for lifetime contributions to continuing legal education)
2015 Helen Cassidy Lifetime Achievement Award for Continuing Legal Education
2014 Dallas County District Attorney Salute to Excellence Award
2014 Richard Alderman Award, State Bar of Texas Consumer & Commercial Law Section
2013 Richard Alderman Award, State Bar of Texas Consumer & Commercial Law Section
2013 Helen A. Cassidy Award, State Bar of Texas Appellate Law Section
2012 Helen A. Cassidy Award, State Bar of Texas Appellate Law Section
2011 Helen A. Cassidy Award, State Bar of Texas Appellate Law Section
2009 Helen A. Cassidy Award, State Bar of Texas Appellate Law Section
2008 Helen A. Cassidy Award, State Bar of Texas Appellate Law Section
2008 State Bar of Texas "Standing Ovation" Award
2010 "Pro Bono Champion," Texas Access to Justice Commission
2006 Finalist, Texas Association of Basketball Coaches State Coach of the Year
2002 Honoree for Teaching Excellence, Texas Association of Accredited Private Schools
2002 Honoree for Promotion of Diversity and Tolerance, Southern Poverty Law Center

Thompson Reuters Texas Super Lawyer (2011-2019)
D Magazine Best Lawyers in Dallas (2011-2019)

Bar Activities and Leadership

Nominated Candidate, President-Elect, State Bar of Texas (2017)
State Bar of Texas Board of Directors (2007-2010)
State Bar of Texas Executive Committee (2010)
Texas Bar College, Board of Directors (2008-2014)
Chair, Texas Bar College (2015)
Chair, State Bar of Texas Council of Chairs (2011)
Chair, Consumer & Commercial Law Section, State Bar of Texas (2006-2007)
Council Member, Consumer & Commercial Law Section, State Bar of Texas (2008-2017)
Chair, Individual Rights & Responsibilities Section, State Bar of Texas (2007-2009)
Council Member, Individual Rights & Responsibilities Section, State Bar of Texas (2009-2017)
Council Member, Appellate Law Section, State Bar of Texas (2011-2014)
Member, Texas Supreme Court Taskforce to Expand Legal Services Delivery (2005-2007)
Member, District 6A Grievance Committee, State Bar of Texas
Host Committee, Annual Access to Justice Gala
Member, Pro Bono College, State Bar of Texas
Sustaining Life Fellow, Texas Bar Foundation

Selected Seminar Activities

Course Director

State Bar of Texas 2018 Advanced Civil Appellate Course
State Bar of Texas 2017 Summer School Course
State Bar of Texas 2016 Opening Your First General Practice Course
State Bar of Texas 2015 Legal Writing to Win Course
State Bar of Texas 2015 Advanced Trial Strategies Course
State Bar of Texas 2014 Litigating the Constitution Course
State Bar of Texas 2014 Exceptional Legal Writing Course
State Bar of Texas 2013 Litigating the Constitution Course
State Bar of Texas 2013 Advanced Civil Appellate Practice Course
State Bar of Texas 2013 Advanced Legal Writing Course
State Bar of Texas 2012 Handling Your First Civil Appeal Course
State Bar of Texas 2012 Handling Your First Consumer Law Case Course
State Bar of Texas 2012 Bill of Rights Course
State Bar of Texas 2012 State Bar College Summer School Course
State Bar of Texas 2012 Advanced Consumer Law Course
State Bar of Texas 2011 State Bar Colleget Summer School Course
State Bar of Texas 2011 Bill of Rights Course
State Bar of Texas 2011 Handling Your First Civil Appeal Course

State Bar of Texas 2010 Bill of Rights Course
State Bar of Texas 2010 Winning Before Trial Course
State Bar of Texas 2009 Bill of Rights Course
State Bar of Texas 2008 Bill of Rights Course
State Bar of Texas 2008 Consumer & Commercial Law Course
State Bar of Texas 2007 Advanced Civil Trial Course
State Bar of Texas 2007 Advanced Consumer & Commercial Law Course
State Bar of Texas 2007 Bill of Rights Course
State Bar of Texas 2006 Advanced Consumer & Commercial Law Course
State Bar of Texas 2005 Advanced Consumer Law Course
Consumer Law Essentials, State Bar of Texas Consumer Law Section Pro Bono Seminar

Speaker

2019

A Bit of the Ol' Razzle-Dazzle: Improving Legal Writing
State Bar of Wisconsin Legal Writing Course
The Drafting and Ratification of the Constitution
State Bar of Wisconsin Constitutional Symposium
Legal Writing: Lessons from the Bestseller List
State Bar of Texas Advanced Civil Trial Course
An Update on the ICP Fair Housing Litigation
Texas Apartment Association Annual Conference
First Amendment Panel
Dallas Bar Association
120 Years of Briefing in the Supreme Court of Texas
State Bar of Texas Supreme Court History and Practice Course
Preservation of Error for Appeal
State Bar of Texas Advanced Trial Strategies Course
Update on the Law of Lawyering
State Bar of Texas Advanced Trial Strategies Course
State Bar of Texas Litigation Update Institute
Bernie: The True Story of an East Texas Murder
State Bar of Texas Litigation Update Institute
Legal Writing: Lessons from the Bestseller List
National Hispanic Bar Association Annual Meeting

2018

The Court and the Pledge: A Discussion of West Virginia v. Barnette
State Bar of Wisconsin Constitutional Law Symposium
Legal Writing on Appeal
State Bar of Texas Civil Appellate Practice 101 Course

Ethics and Fees in Family Law Cases

Tarrant County Bar Association Family Law Section Symposium

Straight Outta Stevens Point: Hip-Hop, F-Bombs, and the Effective Use of Amicus Briefs in Constitutional Cases

State Bar of Wisconsin Constitutional Law Symposium

The Texas Citizens Participation Act: A Panel Discussion

Dallas Bar Association Lunch Presentation

Legal Writing in the Digital Era

State Bar of Wisconsin Legal Writing Course

Legal Writing: Lessons from the Bestseller List

State Bar of Texas Fiduciary Litigation Course

United States Supreme Court Update

State Bar of Texas Webcast

Ethics in Attorney's Fees

State Bar of Texas Advanced Family Law Course

Legal Writing for E-Filing

State Bar of Texas Advanced Consumer and Commercial Law Course

Preservation of Error

State Bar of Texas Advanced Trial Strategies Course

Attorney's Fees in Family Cases

State Bar of Texas Webcast

West Virginia v. Barnette: A Live Oral Argument

State Bar of Texas Bill of Rights Course

State Bar of Texas Annual Meeting

Practice Before the United States Supreme Court: A Panel of Former Clerks

State Bar of Texas Bill of Rights Course

Legal Writing for Government Lawyers

State Bar of Texas Government Law Course

Legal Writing in the Digital Era

State Bar of Texas Annual Meeting

2017

Student Speech Rights: The Demise of Tinker?

State Bar of Wisconsin Constitutional Symposium

Back to the Beginning: Marbury v. Madison and the Roots of Judicial Review

State Bar of Wisconsin Constitutional Symposium

Legal Writing for Paralegals

Tarrant County Paralegal Association

A Live Oral Argument of Marbury v. Madison

State Bar of Texas Bill of Rights Course

State Bar of Texas Annual Meeting

Legal Writing: Lessons from the Bestseller List

State Bar of Texas Annual Meeting

Tony Mauro on the U.S. Supreme Court

Southern Methodist University Dedman School of Law

U.S. Supreme Court Update

Rockwall County Bar Association Bench Bar Conference

Improving Legal Writing

Denton County Bar Association Bench Bar Conference

Legal Writing Mechanics and Why You Should Care

State Bar of Texas Advanced Trial Strategies Course

Error Preservation

State Bar of Texas Advanced Trial Strategies Course

History's Forgotten Freedom: The History, Meaning, and Significance of the Petition Clause

State Bar of Texas History of Texas Supreme Court Jurisprudence Course

Improving Appellate Briefs

State Bar of Texas Practice Before the Supreme Court of Texas Course

Legal Writing Like Aaron Rogers

State Bar of Texas Advanced Consumer & Commercial Law Course

Preserving Error During Trial

Dallas Bar Association Civil Trial Academy

Legal Writing: Lessons from the Bestseller List

Wisconsin State Bar Know Your Writes Course

Formatting E-Filed Pleadings

Wisconsin State Bar Know Your Writes Course

2016

Legal Writing in the E-Filing Era

State Bar of Texas Advanced Civil Trial Course

Practice Before the Texas Supreme Court

State Bar of Texas Advanced Family Law Course

Percolating Conflicts in the Intermediate Appellate Courts

State Bar of Texas Advanced Consumer Law Course

Droppin' Effective Amicus Briefs

State Bar of Texas Advanced Civil Appellate Course

Theme Development in Briefs

State Bar of Texas Annual Meeting

Representing the Unpopular Client

State Bar of Texas Annual Meeting

Contracting for and Proving Ethical Attorney's Fees

State Bar of Texas Annual Meeting

Legal Writing: Avoiding Ambiguity

Minnesota Probate & Trust Conference

Top 10 Things Not to Put in Real Estate Instruments

State Bar of Texas Advanced Real Estate Drafting Course

Drafting Contracts to Avoid Ambiguity

State Bar of Texas Advanced Business Law Course

Prosecutorial Misconduct

State Bar of Texas Bill of Rights Course

Hip Hop and the First Amendment

SMU American Constitution Society

Droppin' An Amicus Brief

Rockwall County Bar Association Bench Bar Conference

Legal Writing: Lessons from the Bestseller List

Dallas Bar Association Appellate Law Section

State Bar of Texas Advanced Civil Trial Course

State Bar of Texas Advanced Trial Strategies Course

State Bar of Texas Advanced Family Law Course

Bernie: The True Story

Denton County Bar Association Bench Bar Conference

Prosecutorial Misconduct

State Bar of Texas Bill of Rights Course

History's Forgotten Freedom: The Petition Clause

Wisconsin State Bar Bill of Rights Course

Effective Appellate Advocacy

State Bar of Texas Advanced Family Law Course

Drafting Contracts (and Everything Else) to Avoid Ambiguity

State Bar of Texas Essentials of Business Law Course

2015

Prosecutorial Misconduct

State Bar of Texas Annual Meeting

State Bar of Texas Summer School Course

Obscenity: Is Anything Obscene Anymore?

State Bar of Texas Bill of Rights Course

Crafting Effective Documents for E-Filing

State Bar of Texas Advanced Consumer Law Course

Tips on Writing a Persuasive Brief

State Bar of Texas Practice Before the Texas Supreme Court Course

The Roberts Court and the Bill of Rights

State Bar of Texas Government Law Boot Camp

Legal Writing: Lessons from the Bestseller List

Office of the Texas Attorney General

Consumer Law Update

State Bar of Texas Webcast

Improving Legal Writing

Rockwall County Bar Association Bench Bar Conference

2014

Appellate Practice from A to Z

State Bar of Texas Advanced Consumer & Commercial Law Course

The Roberts Court and the Bill of Rights

State Bar of Texas Suing and Defending Governmental Entities Course

Legal Writing: The Good, the Bad, and the Plain Ugly

State Bar of Texas Advanced Civil Appellate Practice Course

Legal Writing to Win

State Bar of Texas Annual Meeting

Student Speech Rights

State Bar of Texas Litigating the Constitution Course

Perceptions of Opinions: I Know What We Said, But What Did You Think We Meant?

Texas Appellate Judges Conference

Persuading the Trial Judge

State Bar of Texas Advanced Trial Strategies Course

Improving Legal Writing

Wisconsin State Bar Ethics Course

Student Speech Rights

State Bar of Texas Litigating the Constitution Course

Bernie: The True Story

Rockwall County Bench Bar Conference

Writing Better Briefs

State Bar of Texas Advanced Civil Appellate Practice Course

Better Legal Writing

State Bar of Texas Advanced Workers Compensation Course

Legal Writing

State Bar of Texas In-House Counsel Course

2013

U.S. Supreme Court Update

Dallas Bar Association Bench Bar Conference

State Bar of Texas State Bar College Summer School Course

Improving Legal Writing

State Bar of Texas Practice Before the Supreme Court of Texas Course

Exceptional Oral Arguments

State Bar of Texas Webcast

Legal Writing: Lessons from the Bestseller List

State Bar of Texas Minority Counsel Program

State Bar of Texas Advanced Civil Appellate Course

State Bar of Texas Advanced Consumer & Commercial Law Course

State Bar of Texas Advanced Workers Compensation Course

State Bar of Texas Texas Bar College Summer School

2012

U.S. Supreme Court Update

State Bar of Texas Summer School Course

State Bar of Texas Annual Meeting

Summary Judgments

State Bar of Texas Advanced Family Law Course

The Drafting of the Constitution

State Bar of Texas Bill of Rights Course

State Bar of Texas Annual Meeting

Appellate Advocacy

State Bar of Texas Handling Your First Consumer Law Course

State Bar of Texas Advanced Consumer & Commercial Law Course

Back to the Beginning: Marbury v. Madison and the Roots of Judicial Review

State Bar of Texas Advanced Civil Appellate Course

Summary Judgments in Divorce

State Bar of Texas Advanced Family Law Course

Readin' and Writin' Contracts in Plain English

State Bar of Texas In-House Counsel Course

Effective Motions

State Bar of Texas Advanced Civil Trial Course

The Blue Book: Why It Matters and How It Has Changed

State Bar of Texas Texas Bar College Summer School Course

Drafting An Appellate Brief

Handling Your First Civil Appeal

Back to the Beginning: Marbury v. Madison and the Roots of Judicial Review

El Paso Bar Association Meeting

2011

Drafting an Appellate Brief

Handling Your First Civil Appeal

A Return to the Founders' Intent? The U.S. Supreme Court Reexamines the Petition Clause

State Bar of Texas Webcast

Drafting Judgments: How to Avoid Being the Next Defendant

State Bar of Texas Advanced Consumer Law Course

Making Opinions Readable

Texas College for Judicial Studies (Appellate Track)

How to Stimulate Interest With Your Legal Writing

State Bar of Texas Practice Before the Texas Supreme Court Course

Appellate Writing: Ethics and Mechanics

University of Texas Conference on State and Federal Appeals

Texas Family Law Goes to Washington: Rhine v. Deatons in the U.S. Supreme Court

Texas Association of Appellate Court Attorneys Annual CLE

Common Contracting

University of Texas Corporate Counsel Course

Effective Appellate Practice

State Bar of Texas Poverty Law Conference

The Roberts Court and the Bill of Rights

State Bar of Texas Annual Meeting

State Bar of Texas Summer School Course

State Bar of Texas Bill of Rights Course

Back to the Beginning: Marbury v. Madison and the Roots of Judicial Review

State Bar of Texas Bill of Rights Course

State Bar of Texas Annual Meeting

Collin County Bar Association Bench Bar Conference

2010

Do Students Still Have Any Speech Rights?: The Future of Tinker v. Des Moines

State Bar of Texas Webcast

State Bar of Texas Annual Meeting

Legal Writing on Appeal

National Summit of the Appellate Judges Education Institute

The Ethics of Legal Writing

Wisconsin Bar Association Corporate Counsel Institute

Back to the Beginning: Marbury v. Madison and the Roots of Judicial Review

State Bar of Texas Bill of Rights Course

State Bar of Texas Annual Meeting

Collin County Bar Association Bench Bar Conference

Dallas Bar Association Bench Bar Conference

Fort Worth Inns of Court

State Bar of Texas Webcast

Texas Family Law Goes to Washington: Rhine v. Deatons in the U.S. Supreme Court

Texas Association of Appellate Court Attorneys Annual CLE

El Paso Bar Association

The Effect of Evolving Technology on Legal Writing

Houston Young Lawyers Association Law Day

Ex Parte Communications

State Bar of Texas Summer School Course

Survey Says!: Texas Judges on Legal Writing

State Bar of Texas Winning Before Trial Course

Effective Legal Writing Tips

State Bar of Texas Minority Attorney Program

2009

American Eugenics: Buck v. Bell and the Roots of the Right to Privacy

State Bar of Texas Webcast

Protecting Journalists' Sources: The New Texas Journalists' Shield Law

State Bar of Texas Webcast

Hey! You Can't Write that in English! Improving Legal Writing for In-House Counsel

University of Texas Law School Corporate Counsel Course

Litigating the Bill of Rights: Oral and Written Advocacy

State Bar of Texas Bill of Rights Course

Improving Legal Writing on Appeal

State Bar of Texas Appellate Nuts and Bolts Course

Effective Legal Writing Tips

State Bar of Texas Minority Attorney Program

Oral Advocacy Isn't Just for Appellate Courts: Effective Motion Presentation in the Trial Court

State Bar of Texas Advanced Consumer & Commercial Law Course

2008

Improving Written Advocacy

National Association of Attorneys General, Consumer Protection Conference

Improving Legal Writing on Appeal

State Bar of Texas Advanced Civil Appellate Course

Appellate Advocacy: Effective and Practical Tips

State Bar of Texas State Bar College Summer School

It Ain't Legal and Worse Than That, By God, It Ain't Right: Why Almost Everything Family Law Attorneys Think They Know About Res Judicata is Wrong

State Bar of Texas Advanced Family Law Course

America's Forgotten Freedom: The History, Meaning, and Significance of the First Amendment Petition Clause

State Bar of Texas Bill of Rights Course

State Bar of Texas Annual Meeting

Legal Writing in the Real World

State Bar of Texas Success Strategies for Young Lawyers Course

Hey! You Can't Write That in English! It's A Real Estate Instrument! Plain English in Real Estate Drafting

State Bar of Texas Advanced Real Estate Drafting Course

Dallas Bar Association Real Estate Roundtable

Ten Things NOT to Put in Contracts: Drafting Tips for Transactional Lawyers

State Bar of Texas Webcast

Effective Legal Writing Tips

State Bar of Texas Minority Attorney Program

Academy of International and American Law International Program

Partial Record of Non-Seminar Publications

Legal Lessons from the Hardwood, Texas Bar Journal (2017)

Tips for Oral Argument, Dallas Bar Association Headnotes (2017)

Tips for Formatting E-Filed Pleadings, Wisconsin Bar Journal (2017)

Texas Adopts Anti-SLAPP Statute, State Bar College Bulletin (2012)

Marbury v. Madison and the Roots of Judicial Review, State Bar College Bulletin (2010)

Legal Writing: Lessons from the Bestseller List, 43 TEX. J. BUS. LAW 593 (2009)

Consumer Law Update, TEX. B.J. (January 2012)

Consumer Law Update, TEX. B.J. (January 2011)

Consumer Law Update, TEX. B.J. (January 2010)

United States Supreme Court Update, State Bar College Newsletter (2010)

Survey Says...!: Texas Judges Comment on Legal Writing, State Bar College Newsletter (2009)

Consumer Law, Texas Bar Journal (January 2009)

Improving Legal Writing: The Use of Introductions, State Bar College Newsletter (2009)

Individual Rights & Responsibilities Section Update, TEX. B.J. (July 2008)

Consumer & Commercial Law Section Update, TEX. B.J. (July 2007)

Counseling Identity Theft Victims, J. TEX. CONSUMER LAW (Summer 2006)

Counseling Identity Theft Victims, J. TEX. CONSUMER LAW (Spring 2005)

Sovereign Immunity for Nuisance and Takings Claims After City of Dallas v. Jennings, 58 SMU L. REV. 195 (Winter 2005)

SLAPP-ed Around: Defending Consumers from Retaliatory Litigation, J. TEX. CONSUMER LAW (Fall 2004)

Jewish Law and Healthcare Tort Reform, ABA Journal of Health Law Litigation (January 2004)

Investigators Beware: NLRB Expands Employee Rights During Investigations, 6 The Texas Investigator 12 (July/August 2001)

In the Name of the Father: A Critique of Reliance on Jewish Law to Support the Moral Legitimacy of Capital Punishment 78 UNIV. OF DETROIT MERCY L. REV. 41 (2000)

Research of Jewish Law Issues: A Basic Guide and Bibliography for Students and Practitioners, 77 UNIV. OF DETROIT MERCY L. REV. 303 (2000)

Computerized Background and Asset Checks, in Investigating Fraud (Association of Certified Fraud Examiners, 1999)

How to Analyze Red Flags, in Finding Fraud (Association of Certified Fraud Examiners, 1999)

External Fraud Schemes, in Finding Fraud (Association of Certified Fraud Examiners, 1999)

Through the Looking Glass: A Brief Comment on the Short Life and Unhappy Demise of the Singleton Rule, 27 N. KENTUCKY L. REV. 841 (2000)

The Widening Gyre: The Illusory Promise of Meaningful Judicial Review of ERISA Benefit Denials in the Fifth Circuit, 25 SOUTHERN U. L. REV. 99 (1997)

If I Had A Hammer: Defending SLAPP Suits in Texas, 3 Tex. Wesleyan L. Rev. 55 (1996)

ADA Practitioners Beware, 3 TEX. FORUM ON CIVIL RIGHTS AND CIVIL LIBERTIES 91 (1997)

Dangerous Liaisons: Campus Racial Harassment Policies, the First Amendment, and the Efficacy of Suppression, 11 WHITTIER L. REV. 697 (1991)

Technical Foul: The Legality and Wisdom of NCAA Academic Requirements, 20 LINCOLN L. REV. 71 (1991)

Guess Who's Coming to America: An Analysis of United States HIV-Related Immigration Policies, 32 WASHBURN L.J. 301 (1993)

Miscommunication is Often the Basis of Harassment, Today's Dallas Woman, September, 1994

The Miseducation of Itzy Ribald, JVElite.com (2007)

Jewish Values and Coaching, Jewish Sports Connection (2005)

Yonder Scots Will Fight: Robert the Bruce and The Battle of Bannockburn, HistoricBattles.com

Presumption of Innocence is Crucial, Lakeshore Times (August 29, 1996)

Citizens Beware: You May Be SLAPPED, Lakeshore Times (September 12, 1996)

The Case of the Missing Defense, Full Court Press (1991)

NCAA Rules Need to be Reevaluated, Full Court Press (1991)

Record of Professional Experience

Johnston Tobey Baruch Dallas TX	Shareholder	2015-
Alcuin Upper School	Boy's Basketball Coach	2016-
The Law Office of Chad Baruch Rowlett TX	Owner/Attorney	1998-2015
Paul Quinn College Dallas TX	Men's Basketball Coach	2013-
Abbott & Baruch Rowlett TX	Partner/Attorney	1993-1998
Yavneh Academy of Dallas Dallas TX	Assistant Principal, Athletic Director, Basketball Coach, Government Teacher	1996-2012
University of Dallas Irving TX	Men's Basketball Coach	1995-1996
University of Dallas Irving TX	Assistant Men's Basketball Coach	1994-1995
Brookhaven College Farmers Branch TX	Adjunct Professor of Government	1994-1996

Eastfield College Mesquite TX	Assistant Men's Basketball Coach	1993-1994
Dodge Associates Dallas TX	Attorney	1993
Conant Whittenburg Whittenburg & Schachter Dallas TX	Attorney	1991-1993

Representative Appellate Work

United States Supreme Court:

Rhine v. Deatons (In the Interest of J.C.), 250 S.W.3d 486 (Tex. App. – Fort Worth 2008, pet. denied), cert. denied, 130 S.Ct. 357 (2010):

Due process and equal protection challenge to Texas statute governing right to counsel in parental-rights termination proceedings; first case in American history in which U.S. Supreme Court requested briefing from a state solicitor general before making a cert. determination.

Bell v. Itawamba Cnty. Sch. Bd., No. 15-666 (2015):

Wrote one of the most acclaimed briefs in American legal history representing what the New York Times called “a glittering array of hip hops stars.” One newspaper called it “the greatest amicus brief in Supreme Court history.”

State Supreme Courts:

McIntyre v. El Paso Indep. Sch. Dist., 499 S.W.3d 820 (Tex. 2016)

Case establishing non-applicability of administrative exhaustion requirements to home school students.

Staley Family Partnership v. Stiles, 483 S.W.3d 545 (Tex. 2016)

Case concerning requirements for historical easement to public roadway.

State Intermediate Courts:

Granbury Marina Hotel v. Berkel & Co. Constr., 473 S.W.3d 834 (Tex. App.—El Paso 2015, no pet.)

Obtained reversal of jury verdict in commercial construction case.

Gossett v. NCUA, 2016 Tex. App. LEXIS 8136 (Tex. App.—Dallas 2016, no pet.)

Obtained reversal of summary judgment and rendition of judgment in favor of consumer in collection case brought by lending entity.

Highland Capital Mgmt., LP v. Looper Reed & McGraw, P.C., 2016 Tex. App. LEXIS 442 (Tex. App.—Dallas 2016, pet. denied)

Obtained affirmance of trial court’s order in favor of attorneys sued for conspiracy and for aiding and abetting breach of fiduciary duty.

Federal Circuit Courts:

Virgil v. Dretke, 446 F.3d 598 (5th Cir. 2006)

Case concerning scope of Sixth Amendment right to effective assistance of counsel

Palmer v. Waxahachie ISD, 579 F.3d 502 (5th Cir. 2009)

Amicus work in case involving scope of student speech rights

Jones Construction Co. v. Hoot General Construction Co., 613 F.3d 778 (8th Cir. 2010)

Case concerning sufficiency of contract formation

Soignier v. Am. Bd. of Plastic Surgery, 92 F.3d 547 (7th Cir. 1996)

Case establishing rule for accrual under ADA

In re Velocita Worldwide Logistics, Inc., 608 F.3d 212 (5th Cir. 2010)

Case involving contribution among co-obligors under settlement agreement

UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS

In re
ANDREW GREENHUT,
Debtor

IN PROCEEDINGS UNDER
CHAPTER 13
CASE NO.: 19-10782

CERTIFICATE OF SERVICE

I, Charles "Chad" Baruch, Esq., do hereby certify that I have this day served a copy of the Application by Special Counsel Under 11 U.S.C. § 327(e) for the Debtor for Compensation Under 11 U.S.C. §330(a) and MLBR Appendix 1, Rule 13-7 dated December 30, 2019, by First-class mail postage paid and/or electronically via ECF on the persons listed below.

Date: January 3, 2020

/s/ Charles "Chad" Baruch, Esq.

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